REMARKS

Applicants thank the Examiner for consideration of the subject application, in which claims 1-22 and 38-37 are pending. Applicants further thank the Examiner for indicating that claim 11 contains allowable subject matter. The Examiner has rejected all other pending claims under 35 U.S.C. 103(a) in light of various combinations of the following alleged prior art references: (i) U.S. Patent No. 6,243,373 to Turock; (ii) U.S. Patent No. 6,298,057 to Guy; (iii) U.S. Patent No. 6,304,567 to Rosenberg; (iv)Yang (FRC 1798 – "INETPhone: Telephone Services and Servers on Internet"); and (v) U.S. Patent 5,483,587 to Hogan.

The Examiner similarly rejected claims 1-10 and 12-37 in a non-final Office Action mailed on April 10, 2003. In Remarks filed August 11, 2003 (the "prior Remarks") Applicants respectfully traversed the Examiner's rejections and requested further consideration of the pending claims in light of Applicants' arguments. However, in the Final Office Action mailed October 22, 2003 ("Final Office Action"), the Examiner repeated the rejections of claims 1-10 and 12-37, and responded to the Applicants arguments. By way of reply, Applicants maintain the arguments made in the prior Remarks, and again respectfully request reconsideration of the pending claims.

A. Examiner's Paragraph 3: Claims 1-7, 17-19 and 35-37.

The Examiner has rejected pending claims 1-7, 17-19 and 35-37 as being obvious under 35 U.S.C. §103 in light of Turock, as modified by the teachings of Guy.

1. No Motivation To Modify The Turock System With Guy

In the prior Remarks, Applicants argued that the Examiner had not identified sufficient motivation to modify the system of Turock with the teachings of Guy because Turock does not make any suggestion or implication that a certain minimum guaranteed level of service through the Internet is required or that such a guaranteed level of service should be accomplished by "allocating a resource on the wide area packet switched network sufficient to provide [the] guaranteed level of service..." (Prior Remarks, page 2.) In response, the Examiner asserted that "Turock clearly suggests that one of ordinary skill in the art would apply a number of different techniques to improve voice quality in the call setup message." (Final Office Action, page 11.) Significantly, the examiner cites no portion of Turock to support this assertion. (See Final Office Action, page 4, line 16; page 11, line 2.) In fact, as Applicants argued, Turock teaches away from the present invention by suggesting only one

technique – data compression – for addressing network quality issues. (Turock, col. 10, lines 27-38.) The Examiner did not respond to this argument. A person skilled in the art reading Turock would have no reason to modify its system to allocate a resource over the wide are network sufficient to guarantee a particular service level, since Turock teaches that voice quality issues can be handled using data compression techniques instead.

For at least this reason, Applicants submit that the Examiner has not identified sufficient motivation to modify the Turock system using the teachings of Guy, and, consequently, Applicants submit that pending claims 1-7, 17-19 and 35-37 are allowable over the cited prior art.

2. No "Predetermined Communication Path": Claims 2-4, 7, 17, 19, 35-37

In the Prior Remarks (pages 3-4), Applicants argued that Turock does not teach a "*predetermined* communication path" as recited in Claims 2-4, 17, 19, and 35-37. The Examiner responded by asserting, without any citation, that "Turock discloses a routing and administration server for storing the routing path between the gateways such as LCR [Least Cost Routing]." (Final Office Action, page 11.) Applicants respectfully direct the Examiner's attention to Turock, Column 9, lines 27-30:

> Before establishing an Internet voice connection, ITS Node 206 utilizes Least Cost Routing (LCR) module 514 in order to locate the ITS Node that can route the call at the receiving end in the most cost efficient manner. To perform this function, LCR 514 first matches the characteristics of the destination telephone number (called party telephone number) with data stored in a local database. . . . After searching the database, LCR 514 indicates the optimal location of the receiving ITS Node for processing the particular call. Additionally, the above database may also include alternate ITS node information so that *LCR 514 may also provide CIM 514 with the next most optimal ITS Node, and so on, so that if the optimal ITS Node is unavailable or cannot handle the call, CIM 510 can then attempt to place the call using the next most optimal receiving ITS Node.* (Emphasis added.)

Applicants submit that the above-quoted portion of Turock makes clear that Turock does not determine ahead of time any particular path through the Internet that data packets will take to travel between the calling party's ITS server and the called party's ITS server. Turock clearly requires determining a communication path before a call can be placed, as opposed to using a predetermined path when placing a call. Indeed, as the statement emphasized above makes clear, Turock teaches away from the concept of a predetermined communication path because in teaching that the LCR provides attempting to use a succession of possible receiving ITS nodes, Turock teaches that a communication may travel over more than one possible path. In, Turock, the communication path cannot be predetermined, because otherwise the LCR could not operate as taught.

Applicants also argued (prior Remarks, page 4) that Guy does not disclose the concept of a calling party communicating with a called party over a predetermined communication path through a wide area packet switched network. The Examiner responded, without any citation, that "Guy discloses that a gateway obtains a routing path from a routing and administration server and send[s] a call setup for allocating the bandwidth for the call between the gateways via a predetermined path between the gateways." (Final Office Action, page 11.) Applicants respectfully submit that in asserting that Guy teaches a predetermined communication path the Examiner has imported into Guy a teaching that this reference simply does not contain. Guy simply makes no mention or suggestion of a predetermined communication path, the Examiner's assertion notwithstanding. Applicants accordingly maintain their argument (prior Remarks, page 4) that Guy teaches using the RSVP protocol to allocate bandwidth, but makes absolutely no teaching of a predetermined communication path. Allocating bandwidth is clearly different from using a predetermined communication path, and in fact Guy teaches against a predetermined communication path inasmuch as Guy teaches bandwidth being allocated just before a call is made.

For at least this additional reason, pending claims 2-4, 7, 17, 19, 35-37 are allowable over the cited prior art.

3. No "Routing and Administration Server": Claims 2-4, 37

Applicants argued that Turock does not teach a "routing and administration server having said routing and administration database" and that the routing and administration server provides a routing response "via the wide area packet switched network..." as recited in claims 2-4 and 37. (Prior Remarks, page 5.) The Examiner asserts, without citation, that "Turock discloses a routing and administration server for storing the routing path between the gateways such as LCR [Least Cost Routing]." (Final Office Action, page 11.) The Examiner simply did not respond to Applicants' statement that Turock's LCR module resides in the telephony server ITS node 206, which corresponds to the first telephony server recited in claims 2-4 and 37. *See,* e.g., Turock 6:28-43; *Compare* ITS node 206 in Figures 2 and 5. Similarly, the Examiner did not respond to Applicants' argument that, because Turock's LCR module resides in the ITS node 206, it is impossible for the first telephony server to receive a routing response from the LCR "via the wide area packet switched network", as claimed.

These are additional reasons why claims 2-4 and 37 are allowable over the cited prior art references.

4. Claim 5: No Prescribed Level of Service Provided By A Telephony Server

In addition to the limitations of claim 1, claim 5 further recites a first telephony server having a routing and administration data base from which a guaranteed level of service is obtained. That is, a guaranteed level of service parameter corresponding to a calling party is stored in the routing and administration data base on the first telephony server, and the stored guaranteed level of service parameter is retrieved from the database when a call is initiated. In the Prior Remarks (page 5), Applicants noted that they were unable to locate any teaching in the cited art that would suggest or teach the concept of retrieving a guaranteed level of service parameter associated with the calling party from a routing and administration data base, and that the Examiner had not cited any such teaching. In response, the Examiner asserts that Guy (col. 11, line 45 – col. 12, line 21) contains the afore-described teaching. However, a careful reading of the cited section of Guy yields no support for the Examiner's assertion.

As noted above, Guy cannot be said to teach a routing and administration server as recited in Applicants' claims. The Examiner offers no detail as to why he believes that Guy teaches Applicants' claim limitations, but may rely on Guy's statement that a "priority management unit" is used "to request a reservation of bandwidth across the WAN." (Guy, col. 11, lines 60-61.) The Examiner appears to equate Guy's request for a reservation of bandwidth with obtaining a guaranteed level of service from a routing and administration database. However, inasmuch as Guy teaches that "[t]he call request packet *includes* an indication as to whether 520 a call priority is to be requested" (Guy, col. 11, lines 50-51; emphasis added), Guy clearly teaches against the concept of *retrieving* a guaranteed level of service parameter associated with the calling party from a routing and administration data base. More importantly, the Examiner provides absolutely no motivation for one of ordinary skill in the art to have modified Turock with this alleged teaching of Guy.

This is an additional reason why claim 5 is allowable over the cited prior art.

B. Examiner's Paragraph 4: Claims 8-10 and 12-16.

The Examiner has rejected claims 8-10 and 12-16 under 35 U.S.C. §103(a) in light of Turock, as modified by Guy and Rosenberg. The Examiner concedes that neither Turock nor Guy disclose a session ID and channel ID. The Examiner relies on Rosenberg to allegedly cure that deficiency.

1. Claims 8-10 and 12: No "Session Identifier"

Applicants previously argued that while Rosenberg references a "channel identifier" (Rosenberg, 5:54-6:31), Rosenberg does not disclose a "session identifier identifying a call attempt between the calling party and the called party", as recited in claim 8. The Examiner responds by arguing that "Rosenberg discloses a channel ID which reads on session identifier for a call attempt 'attempt only one' between the called and calling party." (Final Office Action, pages 11-12.) Applicants respond that this unsupported assertion simply does not demonstrate that Rosenberg reads on the limitation of a "session identifier identifying a call attempt between the calling party and the called party." As applicants noted in the Prior Remarks, Rosenberg teaches a channel identifier identifying a particular communication channel, not an identifier that necessarily corresponds to a particular call attempt.

These are additional reasons why claim 8 and claims 9-10 and 12 (which all depend from claim 8) should be allowed over the cited prior art.

2. Claims 13-16: No "...Assigned Trunk Line Based On The Identifier..."

Applicants argued in the Prior Remarks (pages 7-8) that the Examiner had not pointed to any prior art references teaching or suggesting "communication samples" from the called party to the calling party via the wide area network and "forwarding the received communication samples to the first central office on *an assigned trunk line based on the identifier*" (emphasis added) as recited in claim 13-16. The Examiner responded that Turock, Guy, and Rosenberg "implicitly disclose[] this step otherwise the communication signal cannot transmit to the central office as claim[ed]." (Final Office Action, page 12.) Applicants respectfully disagree with the Examiner's position. Regardless of whether the communication signal requires a trunk line to transmit to the central office, this is not the same as "an *assigned* trunk line based on *the identifier*."

Therefore, Applicant submits that these are additional reasons why claims 13-16 should be allowed over the cited prior art references.

C. <u>Examiner's ¶ 5: Claims 20-22 and 28-29: No "Predetermined Communication Path"</u>

The Examiner has rejected claims 20-22 and 28-29 under 35 U.S.C. §103(a) in light of Yang, as modified by Hogan, Guy and Rosenberg. Claims 21 and 22 both recite a "<u>pre</u>determined communication path", which, as discussed above and in the Prior Remarks, is not disclosed in any of the cited prior art references. In the Final Office Action, the Examiner

argues on page 12 that both Guy and Rosenberg teach a predetermined communication path. Applicant addresses this argument above with respect to Guy. Further, the cited portion of Rosenberg teaches keeping a connection open for multiple voice calls (Rosenberg, col. 3, lines 24-28), not using a predetermined communication path.

For at least this reason, claims 21-22 are allowable over the cited prior art. Further, claims 20 and 28-29 are allowable at least for the reasons discussed above regarding the failure of Rosenberg to teach the session identifier recited in claim 20.

D. Examiner's Paragraphs 6-8: Claims 30-34

The Examiner has rejected claim 30 under 35 U.S.C. 103(a) in light of Turock, as modified by Rosenberg. The Examiner has rejected claims 31-33 under §103 in light of Turock, as modified by Rosenberg and Guy. Finally, the Examiner has rejected claim 34 under §103 in light of Turock, as modified by Rosenberg, Guy and Hogan.

As noted in the prior Remarks, each of the claims 30-34 recited the step of "generating a session identifier identifying a call attempt between the calling party and the called party" and transmitting that session identifier between the two telephony servers. The argument above regarding the failure of Rosenberg's "channel ID" to teach the use of a "session identifier", is also applicable to claim 30.

Therefore, claims 30-34 should be allowed over the cited prior art.

CONCLUSION

Therefore, Applicant submits that all pending claims are distinguished over the cited prior art and are in condition for allowance. If the Examiner has any questions or issues relating to Applicant's response, he is encouraged to telephone the undersigned representative.

Any fees associated with the filing of this paper should be identified in an accompanying transmittal. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge Deposit Account No. 07-2347.

Respectfully submitted,

Date: December 22, 2003 By: _____

Joel Wall, Reg. No. 25,648
Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mailcode HQE03H14
Irving, TX 75038
Customer No. 32127 972-718-4800